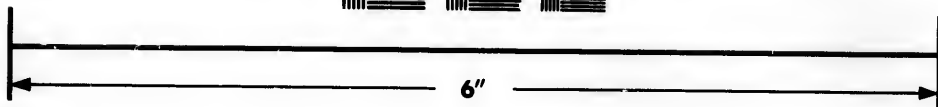
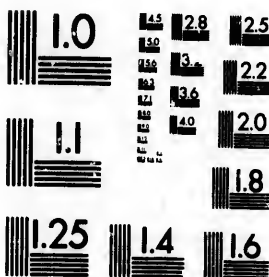


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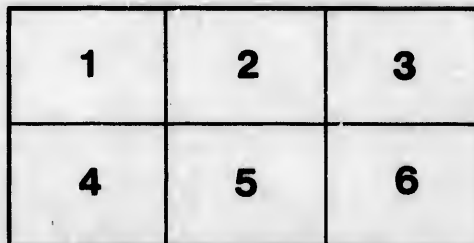
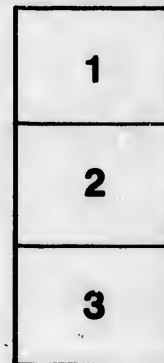
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A VIEW
OF
PRACTICAL JUSTICE,
AS ADMINISTERED
IN LOWER CANADA,
DISPLAYED IN
A MEMORIAL
ADDRESSED TO HIS EXCELLENCY
THE EARL OF GOSFORD,
GÓVERNOR IN CHIEF, &c. &c.


BY STEPHEN BURROUGHS.


“ Truth is great, and will prevail.”

THREE-RIVERS :
PRINTED FOR THE AUTHOR, BY G. STOBBS.

1836.

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*To His Excellency the Right Honorable Earl
of Gosford, Governor General of Lower Ca-
nada and its Dependances, &c. &c.*

The Memorial and Petition of Stephen Bur-
roughs, respectfully sheweth :—

That in the last years of the eighteenth century the Governor of the Province of Lower Canada issued a Proclamation, inviting all who saw fit to settle on the waste lands of the Crown ; and the said Proclamation communicated a Royal promise to each individual, who should accept of the said invitation and settle on said land, of twelve hundred acres, in such place as he might choose to settle.

Placing the most implicit confidence in this Royal promise, your Memorialist in the year 1799, embarked himself and all his property, amounting to three thousand pounds; in this concern, by settling in the north-east part of the township of Stanstead, it then being ungranted waste lands of the Crown, and in a state of complete wilderness. At his own private expense, your Memorialist opened a road twenty-five miles through the wilderness, built bridges, erected mills, and performed every other act tending to the general prosperity of the Townships particularly, and to the Province in general.

After four years of extreme exertion and severe privations (always attendant on first settlements in a forest) your Memorialist had fully and

completely performed all the conditions on his part to entitle him to the twelve hundred acres of land, your Excellency will readily conceive the painful feelings of deep mortification he must experience to find this very land, together with all its ameliorations, given away by the Governor and Council to another person, contrary to the Royal promise ; and your Memorialist thus deprived of his honest and hard earned property, and thereby reduced to a state of abject poverty.

Your Memorialist begs leave again to call the attention of your Excellency to an event which took place in 1813, and by which your Memorialist suffered injustice which calls for redress. Your Memorialist was employed by the then Governor to execute certain secret services. He was promised for the performance of said services, " a handsome provision." For one year your Memorialist continued to perform the duties attached to this appointment, to the utmost extent of his feeble abilities. During this time, your Memorialist fortuitously became acquainted with the intentions and preparations of two soldiers to desert, of which he gave information to their officers, and they were accordingly confined. By law, your Memorialist, for this act was entitled to a pecuniary reward ; and likewise to the gratitude of his country. Yet what your Excellency will deeply regret to learn and believe, for this very act, your Memorialist was treated like a criminal of the blackest nature. For promoting the good of the country, he was incarcerated and punished like a vile malefactor. On the affidavit

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of those very deserters he was committed to prison, where he lay confined six weeks, under a line of treatment too painful to renew the details, and too disgusting for the ears of your Excellency. The cause was ultimately heard before the present Honorable Chief Justice and a Jury, who pronounced the following verdict :—" Not guilty, but has conducted himself as a faithful and loyal subject."

From long considering these painful subjects, your Memorialist cannot but believe that justice requires the three thousand pounds to be restored to him, of which he was unjustly deprived by this Government ; with the lawful interest since 1799, together with a fair compensation for his secret services and suffering therefrom, such as your Excellency shall think is just.—All which is submitted with great respect and deference.

STEPHEN BURROUGHS.

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Three-Rivers, November

STEPHEN WALCOTT, ESQUIRE,

SIR,

AS a man of sentiment; feeling and information, I have taken the liberty to make this appeal to your goodness of heart: There are some details which will serve to illustrate the Petition which through you I lay before the Governor for the redress of grievances; and which explanations I pray you to make as occasion may require. The person who obtained my property by misrepresentation in Stanstead, as set forth in my memorial, was Judge Ogden, father to the present Attorney General. His Excellency being informed of that fact, will enable him to exercise his own prudence on that point.

Although my injuries have lain so long unredressed as to become in a measure obsolete, yet time has not alleviated their pressure, or mollified their cruel recollection. It will undoubtedly appear to you somewhat strange, that such barefaced acts of injustice should remain so long unredressed: It will be my part to explain. When Judge Ogden had, by misrepresentation, done me such a vital injury, true to his own policy, he found it necessary to deprive me of all power of retaliation. In order to effect such an object,

he became unceasing in his exertions to render my name odious among all the influential people of this province; and he was too fatally successful in his endeavours, as you will see by what is stated in the "Memorial,"—and even this statement forms but a very small part of the strange acts of injustice which I have experienced in this Province for the thirty-seven years in which I have been resident in it. The contest between Judge Ogden and myself was altogether unequal. His *Official* situation entitled him to respect, attention and deference in the higher classes of society, among whom he held constant intercourse; whilst I was buried in the forest struggling for a bare existence, isolated from the great world, without any chance to rebut or arrest this strong current of calumny, and vainly depending on my honest conduct towards this country for my ultimate justification.

As the question of inquiry is solely between me and *this* government, I can say with proud satisfaction, that no act of my life can bear even the shadow of infidelity or want of the most ardent desire and endeavour for its prosperity. In taking a long and candid view of the unmerited injuries which I have experienced in this country, I cannot but consider those hardships unequalled in the annals of civilised society. Enthusiastically in love with the British Constitution, I was ardently desirous of making myself a worthy, useful and respected member of this community. Without the aid of vanity, I can say that I did more for the general prosperity of the

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Towships than any other individual whatever, even to the present time;—and what has been my reward? In the first place, a fraudulent deprivation of the whole of my property, by the very man who had realised the greatest benefit from my expenditures—and this man an Honorable servant of the Crown for the administration of Justice!!!

One year I attended faithfully and assiduously to the performance of secret services for the Governor. During this time I gave information of an intended attack of the enemy on our army in the Upper Province; by which information only the Governor was enabled to defeat the enemy at the battle of Chrystler's Farm. I expended sixty pounds of my own money, and lost a valuable horse in pursuing this business too eagerly, and finally was compensated by this government with the four walls of a dungeon for six weeks, during which time I was treated with an indignity which would have raised a blush on the dark skin of a savage. Pardon me if too warm,—these injuries have left too deep an impression to be molified by the lenient hand of time. Allow me to say in the language of the Poet; "Deep, too deep engrav'd on memory's tablet, your rude horrors live."

I have spent thirty-five years of my life in unavailing endeavours to obtain redress for those wrongs. I found the *influence* against me rendering such an object unattainable and hopeless. I have spent the best part of my life in these cruel difficulties; and have reached old age in a state of so great poverty as to be dependent on the mea-

gre and cautious hand of charity for subsistence,—when I ought, upon every principle of fair calation, to be in possession of independence and affluence. I have been finally awakened from my deep despondency, by the Governor's Speech at the opening of the Legislature—a speech which ought to be deeply engraven on the mind of all who wish well to Canada, and who entertain a love for the sacred cause of Justice.

It is with some regret I have found myself compelled to speak of Judge Ogden with severity. "To tread lightly on the ashes of the dead" is a rule which I wish to make my guide, and the only plea I can offer for my present deviation was the stern necessity of offering a reason for the unequalled conduct of this government in their treatment towards me, together with the knowledge of the who'e becoming known, should His Excellency deem an inquiry necessary for the furtherance of justice; and until that should be the case, I pray you, Sir, to consider this communication as altogether confidential.

Should the facts which I have stated in my Memorial constitute a case which His Excellency considers calling for redress, I will then immediately obtain and forward to him the evidences for their establishment. You will have the kindness to give me information on that point, and greatly oblige,

Yours, with much respect.

STEPHEN BURROUGHS.

STEPHEN WALCOTT, Esq.
Secretary to the Governor.

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CASTLE OF ST. LEWIS,

Quebec, 10th December, 1835.

SIR,

I have the honor to acknowledge the receipt of your letter of the 28th ultimo, enclosing a Memorial and Petition to His Excellency the Governor in Chief, in which you claim a sum of £3000 with lawful interest since 1799 ; together with a fair compensation for your secret services and sufferings therefrom : and I have received His Lordship's commands to acquaint you, that, however deeply he may regret that your services should not have been recompensed according to their merit, at the period they were rendered—there are no funds at his disposal out of which it would be possible for him to grant you any relief.

I have the honor to be,

Sir,

Your most Obedient;

Humble Servant,

S. WALCOTT,

Civil Secretary.

Stephen Burroughs, Esq.

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STEPHEN WALCOTT, ESQ.

Civil Secretary.



Yours of the 26th November, in answer to my Memorial to the Governor, was duly received—it did not produce that satisfaction for which I was looking and expecting. My case was one of such a peculiar nature, and attended with such extraordinary hardships, that it *appeared to me* impossible to pass it by without some energetic exertions for redress ; I was well aware that His Lordship's situation was by no means a sinecure. His task was herculean ; he was desirous to dispatch the mass of matter presented for his consideration, with expedition. To give long and laboured attention to each individual case was impossible. He, undoubtedly, gave to my case a proportional degree of attention. He readily saw that the plea of having no funds at his disposal was a ready excuse for quieting a question which, if pursued, would be attended with much labour, perplexity and doubt ; and would develop a scene of iniquity disgraceful to many acting under this Government, and highly irritating to those whose wickedness had been thus discovered. When I found this return to my fond expectations of the administration of stern and unbending justice to every one, arising from the Governor's solemn pledge at the opening of the Legislature, my heart sunk within me. However, upon cool and candid consideration of the reasons which I have already named, coupled with the probability that I had imperfectly stated the case, even so much so as to prevent his readily understanding the merits of the business, I have ultimately concluded to address to you, for the information of His Excellency, a more detailed representation of such acts of injustice as call for redress ; with the full expectation of gaining his attention to the subject, until he has become master of its merits. I have delayed troubling the Governor with this Memorial until the pressure of Parliamentary business had ceased, that he might attend to mine with more ease to himself, and with more effect in the investigation.

As I have stated in my former Memorial, I came into this Province in the year 1799, and settled in the North East part of the Township of Stanstead, it being then ungranted waste lands of the Crown. Depending on the Royal promise made by the then Governor for twelve hundred acres of land, I did not entertain a solitary doubt of being correct and safe in my proceedings. However, afterwards I learned that Colonel Ebenezer Fitch had obtained a warrant of survey, and had actually marked the Township into lots, and presented his petition to the Government for a grant of it to him and his associates. Considering the claim of Colonel Fitch and his associates would have a paramount force to mine, and in order to place my claim beyond the possibility of contest, I purchased the rights of two of Colonel Fitch's associates, and laid them on the two lots on which my expenditures had principally been made.

About this time the Honorable Hugh Findley, Member of the Executive Council, arrived and continued at my house seven days. He was sent by the Governor and Council for the express purpose of seeing and learning the state of the settlers in Stanstead, the lots they were on, and the claim they had to their lots. During this time I gave Mr. Findley minute information of my claims, my situation and the great ameliorations I had made to my own property particularly, and to the country generally. Mr. Findley made a lengthy entry in his book of *memoranda*, and then concluded with observations to the following import: "Mr Burroughs, your exertions in settling this country merit, and shall have the most favourable attention of the Government. I shall lay the business before them immediately on my return to Quebec, which will remain on record in your favour hereafter. The great object of the Government is to settle the waste lands of the Crown with good, honest and industrious cultivators. You have met their views entirely, even beyond what could be rationally expected at this early period, by a man of your property; you will have your reward; you will find this government ever marked by gratitude and justice; should you fail in obtaining the whole of the twelve hundred acres here, you will, beyond question, receive a much more extensive and valuable grant of lands elsewhere. Your associate rights will perfectly secure your property where you have made your greatest expendi-

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tures. Pursue your business with perseverance, and success will be the consequence."

Receiving this information from such high official authority, I did not conceive how it could be within the bounds of possibility otherwise than correct, so long as any dependance remained on the "faith of Government," or those laws of society which form the bond of unity between man and man; yet not more than a year had elapsed before I received the astounding news that the *south* half of the Township of Stanstead had been granted to Judge Ogden, (in the room of Col. Fitch,) and that he, Judge Ogden, had negociated an exchange with the Government for some of his lots in south part of the Township for the two lots on which I had made my improvements in the N. E. part of said Township, under the pretence of securing the expenditures which *he* had made on those lots; when, in fact, he had made no expenditures; and therefore built his claim altogether on misrepresentation; you will at once see the case in a more extraordinary light, when it is taken into consideration that the official information of Mr. Findley was then before the Executive Government, shewing that identical property to be mine, by every principle of right, which was given to Judge Ogden. I am well aware that much will be said to avoid this strong case of deliberate wrong; and it will be urged that I ought to have done this, that or the other thing to prevent the loss of my property; but I assert with boldness and confidence that I did every thing which ought, or *could* be done to entitle me to the property; and even should the Executive Government plead a mistake on their part; that their credulity was too great in the representations of the applicant for my land, yet as they did the wrong they are bound, by every principle of justice, to restore to me my rights. If the Governor will institute a fair and thorough inquiry into this business, I pledge my veracity that he shall find my statement correct. Will it be to the honor of British justice to have it said that the Royal promise has been made merely as a lure to entice me into the Province in order to effect the plunder of my property? Yet this is the present statement of the business; and such must be the appearance in the opinion of every candid man, if no restoration should be made. It is said by the first of political writers, "that no tyranny is so odious and detestible as that prac-

tised under the *colour* of law." No man could ever experience the truth of this remark more cruelly and fully than myself during the thirty seven years of my residence in Lower Canada, as you will more fully see in the sequel. I now found my fortune sapped at the very foundation; I was even denied *any* compensation for my great improvements of this property, contrary to the doctrine reported by the present Attorney General to the Governor, that settlers were always intitled, by law, to the ameliorations made on the lands of which they were divested. All the fond hopes of a father to provide for his children were blasted with ruin—children whom the partiality of a fond parent had considered as fitted by nature for honorable, respectable and useful members of society.

The impolicy of this transaction was equally glaring with its wickedness. The general interest of the Province was vitally embraced in giving every encouragement to settling the waste lands of the Crown to encourage actual and industrious settlers to clear and cultivate their farms in perfect safety and security. Was this the way to give that security, to take my land on which I had made an actual, active and extensive settlement and give it to Judge Ogden, who, I presume, had never advanced a shilling in the concern, and who, I believe was never in the Township? The emigration into the Townships, previous to this had been copious; and every prospect was presented of a speedy settlement of all the waste lands of the Crown, by good, industrious and peaceable inhabitants. However, when this transaction concerning my land became known, together with many others of a like complexion, the flow of emigration ceased; and many, who had made actual settlements, abandoned the Province, and returned to their former abodes. By such means the Townships languished to such a degree that at the present moment one town (Rochester) in the State of N. York, which was begun coterminously with the settlements of the E. Townships, possesses more wealth and transacts more business than all the Townships in their collective capacity, yet possessing no superior advantages in soil or locality. Many other towns in the U. States, of a much more recent establishment, exhibit the same superior growth and prosperity. By such means the original benevolent intentions of the Home Government have been defeated, and the interests of favorites have been gratified at the sacrifice of the general good of the

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Province in the most public and unblushing manner. Allow me to advert to one, among very many instances of a similar nature. The honorable Mr. Felton received a grant of five thousand acres of land because he was able to cultivate them. Some years after, he received an augmentation of five thousand acres more, because he was able to cultivate them also. Providing the *facts* had been as stated, I can find no great fault with the principle; but allowing the principle to be good, it certainly ought to become general. Is there an instance in all the Townships where the poor man—the man who encountered hardships of a severity beyond what Mr. Felton ever dreamed, received an augmentation to his land, after he had become able to cultivate it? On the contrary, hundreds of this description lost their little all by the rapacious hand of power, after years of intense labour, toil and exertion. The hard handed peasant feels these acts of injustice, although he is unable to express them to the world in a forceable stile; and such acts of injustice will be attended with deleterious effects on the great body of the community. It may be answered, that no applications for augmentation had ever been made; that proper attention would have been paid to any such application. In reply to this, I will barely remark that as the land business has been managed, the peasant would have entertained full as sanguine hopes of obtaining the imperial crown by application, as an augmentation to his land. I had come into this province myself able and willing to cultivate much waste lands of the crown. I had done more for the settlement and population of the country than any other individual whatever. So far from granting me one foot of land, they took away the two lots which I had *bought* and gave them to one who had done nothing for the settlement of the country; and what was infinitely more cruel, to hide their own injustice, they let loose a torrent of vituperation against me, in order that their own acts might be effectually buried by the astounding cry of “crucify him, crucify him!!!” The truth of all these statements I fully believe I shall satisfactorily show in the sequel. If the social compact in this county had been formed for the purpose of “guarding the strong against the encroachments of the weak,” no government under heaven ever did, or ever could fulfil their duty more completely. In the case of Mr. Felton, who was eager to keep the roguish and *disloyal* “Squatters” out of the coun-

try, he received augmentations to his already enormous grants, whilst the simple peasant, after a series of industrious and peaceable exertions, was left without further notice or assistance from the government; when, in fact, from this class of settlers the country owed all the prosperity she ever realised. And it has ever remained a matter of serious doubt with many, whether the good and loyal subjects introduced by Mr. Felton, were any *better* for the *Public* than the odious class of "squatters." If private interest ought to have a paramount influence over public good, all these things are right. The very men who had borne the "heat and burthen of the day," who had encountered and overcome the difficulties presented by a first settlement in a wilderness, who had ameliorated and made valuable the property of the Public, should be set aside, and Mr. Felton introduced to reap the fruits of their labour and privations, it certainly became very beneficial to this individual, but extremely unhealthy to the public weal.

To return to my own individual concerns, a ruinous lawsuit succeeded; and after continuing two years with overwhelming expenses, it was determined that a grant from the Executive could not be set aside; that it was the best and highest authority known in the Province. When I heard this doctrine delivered from the Bench, my heart sunk within me; I could not but recollect that the *British Law* is express on that point, that when the King makes a grant through mistake, wrong information or fraudulent representation, the grant shall become void, in order that the *King* shall do no wrong: yet no power was found in Lower Canada to prevent wrongs of the most flagrant and cruel nature, if done by the Executive!!! Such was my situation at this time; I had lost all my property, and found myself loaded with a debt of two hundred pounds, in consequence of striving to retain my hard-earned property. To attempt a description of my feelings, my views of justice in the province would be altogether in vain—would be tedious for you to read, and painful for your reflections.

A contest having existed for some years past between me and the United States, they had employed as their Agent a man by the name of Oliver Barker, residing in the Province, and holding a commission under this Government as Justice of the Peace. Of the agency of Oliver Barker for the United States, authentic, legal and complete proof is in the possession of the

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present Honorable Chief Justice of the Province. By a warrant from this said Barker, in his capacity of Justice of the Peace of this Province, I was made a prisoner and committed to the Goal in Montreal, for making and selling the counterfeit of the bank bills of the United States. It is worthy of notice that when I was brought before Barker, in his magisterial capacity, I found a large party of *very respectable* Americans in attendance, headed by General Barron, and — Griswold, Esq. Attorney General, to whom I was delivered over, and by them conveyed in great triumph to Montreal. In delivering me to the gaoler, they gave him peremptory orders to load me with irons; and exclude me from seeing any one whatever. It is true the gaoler looked somewhat surprised at receiving such peremptory and unusual orders from Americans, but remained silent. These distinguished heroes returned to their own country, and published in their periodicals, a flaming account of this brilliant and dauntless expedition!! An expedition by which they laid claim to immortality, and to never fading laurels!!! Indeed the exultation of the Romans on the death of Hannibal was in no proportion to the triumph of the Americans at this wonderful display of courage and *sagacity* performed by their *illustrious* citizens. By such an exhibition they were very confident that the King of Great Britain would feel himself much obliged if the Americans would permit him to wear his crown in peace and safety.

I immediately brought myself before the Court of King's Bench, by writ of *Habeas Corpus* and demanded my discharge, as being committed for a *fact* which constituted no crime, by the laws of Canada or Great Britain. The decision of the court was to the following import: "Your allegation is just. No law exists making the fact as stated in the warrant of commitment a crime by our laws. But as a Justice of the Peace is not expected to understand the technicalities of the law, there remains a possibility that there is something about the cause of his committal which may be found a breach of law, and which is not correctly stated for the want of due knowledge; the determination of the court is, not to dismiss the cause altogether, but to hold the prisoner to bail, to appear at the next criminal term, and obey the further orders of the Court."

I gave bail and returned to my family; but considering myself unsafe in the wilderness, I returned with them to Mon-

treat, where I might hope to find protection from the laws. These things took place in the summer of 1806. All my servants whom I had left to manage my agricultural concerns were arrested by Oliver Barker and sent to Montreal gaol as vagrants, and of course, my business on the farm entirely ruined. I continued in this situation until the last day of August, the day previous to the sitting of the Court for criminal trials; and at night I was again arrested, by virtue of a warrant from Oliver Barker, and committed to the gaol. I found that a large concourse of *illustrious* Americans had arrived to superintend and control this important trial, together with a cloud of witness from the Townships and from the States, ready prepared and *schooled* to testify to any thing needful for this important object.

I now found combined and organized against me Judge Ogden and all his interest; the United States with all their clamour, money and intrigue, and Oliver Barker, Esquire, Justice of the Peace, acting in his *official* capacity under the direction of my opponents and good countrymen of the United States. This phalanx when duly organized was truly formidable to a solitary individual, whose sole dependance was his own integrity and a claim to the protection of the laws of his adopted country; a country into which he entered by the *invitation* of the King's Vicegerent, with the clear understanding that I should enjoy all the rights of a British Subject, so long as I was faithful to the King, obedient to *his* laws and an industrious subject. All these conditions I had performed even to a great degree of supererogation. It was now to be seen whether the conditions would be fulfilled on the part of the Government. In one instance they had been unblushingly violated by Oliver Barker, his Majesty's Justice of the peace and legal agent acting for the crown. However, Mr. Barker had a double duty to perform, one of *honor* for his original master, another of *profit* for the U. States; and as money has a great influence in human affairs, he chose, in this instance, to sacrifice honor at the shrine of Plutus and act in accordance thereto, concluding that money would again restore him to *honor*; indeed, that a golden key would unlock the door to the highest *fame*.

You will easily conceive that my opponents, with such an overwhelming force, could, without much difficulty, procure *accusations* against me; they succeeded so far as to obtain seven indictments from the Grand Jury presented to the court,

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to all of which I plead for a continuance to the next term, which request was granted, notwithstanding long and strenuous opposition was made against it. I now became incarcerated again, and my family returned to the Townships. I now am arrived at a period, the minute events of which I feel myself under much embarrassment in relating, lest I might be guilty of betraying the sacred deposit of confidence; and in order to give evidence which may be altogether free from the colour of suspicion, allow me to refer you to the two present Honorable Chief Justices; at any rate I left the Gaol of Montreal, and for a time remained *incog*.

In the year following, 1807, Oliver Barker, Esquire, an authorised agent of the Crown, in his official capacity, heading a large party of *people belonging to the United States*, entered my dwelling house by force and violence, plundered me of all my writings, containing my private correspondence, documents of value and other papers, together with fifty three thousand dollars; and carried the whole into the United States, to the utter loss of the whole of which I have been obliged to submit even to the present time. To the peculiar conduct of this party, permit me to call your attention. At this time my son, the present Prothonotary, was confined to his bed by a visitation of fever; he was reduced to the last extremity by the violence of his disorder, even to a state of insensibility. The nurses besought the compassion of the party to the state of the suffering patient; but their entreaties were repulsed with brutal ferocity; the doors were thrown open, my sick son violently seized and shaken, with strong threats of destruction if he did not instantly deliver to them his father's keys. The total insensibility of the child prevented him from understanding or responding to their violence. They then immediately proceeded to break open every article secured by locks, and to carry away the articles before named; the party were accompanied by about one hundred horses. They in the first place proceeded to throw bundles of wheat to their horses from my barn, to seize and consume my provisions in my house, and to derange, overturn and damage my furniture in a most wanton and barbarous manner; and all this was done under the authority and direction of *an officer of this Government*!!

Mr. Justice Barker was at length relieved from the ono-

rous charge of Justice of the Peace, yet he still retained his agency for the United States. In obedience to his faith pledged to them, in the year 1808 he entered a complaint on oath that I had no apparent means of subsistence, but supported myself and family by fraudulent practices on His Majesty's subjects. A warrant was issued on this complaint, and I was brought before two Magistrates residing in the Town of Three-Rivers. Nothing could be more false than the facts, as stated in the complaint. It was a matter of public notoriety that I was at that very time, the most considerable agriculturist in the Townships. Many of my neighbours being present tendered their testimony to the Court to that effect; but the *learned* Court decided against receiving their testimony, *wisely* observing that no evidence could be heard after *conviction*; that the law required but one substantial witness for conviction, that they had already the testimony of an ex-Magistrate, and, of course the conviction had become absolute; their sentence was that I should remain confined one month in the common Gaol as a vagrant!!

I immediately removed myself, by *habeas corpus*, to Quebec, before the present Honorable Chief Justice, and by him was discharged. However, he required me to give bail to appear before the Court of Criminal jurisdiction at their next sitting in Montreal, and to abide the order of said Court. I complied with the requisition of the Honorable Judge, and once again returned to my family. Pardon me for troubling you with some details attending this business, which in their separate state would be of little moment; but as a succession and connection of the great whole, will serve to shew, my vagrancy *ex post facto*, if poverty constituted "vagrancy." Previous to serving out a writ of *habeas corpus*, I enquired of my Council, learned in the law, to know what sum of money would cover *all* the expences of such an undertaking. His answer was, that from seven to twelve pounds would satisfy *every* demand which could arise: to be entirely certain of money enough, I sold a landed property for forty pounds, which was fairly worth two hundred, in order to raise money for this unlooked for emergency. When the business was ended, my conscientious and candid advocate demanded for his fees alone twenty seven guineas! Indeed I had expended my forty pounds and borrowed ten pounds more, in order to meet all demands, before I again reached my family.

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This year the Legislature of the Province enacted a law prohibitory to the making bills the counterfeit of the bank bills of the U. States ; and no one of his Majesty's subjects was more ready to render obedience to this, as well as every other law of the country, than myself. In doing this I humbly conceive that I performed *every* duty, both political and moral, which I owed to society. Whether this conduct met its due reward has been, in some measure, seen already ; and will be more fully seen in the sequel.

In 1809 I appeared at the criminal term at Montreal, in obedience to my bonds, and punctually attended open court, through the whole term. My name was not called in court ; and no other measures adopted concerning me. I now believed that I had faithfully fulfilled every condition contained in my bond ; in this opinion I was fully borne out by the corresponding opinions of my council, "learned in the law ;" consequently I again returned home to my family, with a faint hope that *legal* persecution had ceased.

I had made complaint against Barker for perjury ; and he was bound to appear before the court of criminal jurisdiction to be holden in Three Rivers, in March 1811. Perhaps no case of perjury could be more clear, and the falsehood of his affidavit against me a matter of more public notoriety. During the criminal term preceding the one to which I allude, I had presented to the acting Attorney General (a man extremely different from his predecessor, who was altogether the gentleman) the names of those witnesses whom it was his duty, as crown officer, to bring before the grand jury in support of the case : "the King against Barker." My list of witnesses was refused ; and I was repulsed with the following observations. "Do Mr. Burroughs let me alone ; I do'nt wish to learn my duty from you." From such circumstances I was fully persuaded that the intentions of the acting Attorney General were to prevent an indictment from being found against Barker, and thereby subject me to a civil action, in damages, for a malicious prosecution of Barker. Under this view of the subject, I wrote to Henry Cull, Esquire, a former neighbour and intimate acquaintance, giving him a full view of the matter ; and requesting his attendance at the sitting of the court in March 1811. This man was an Englishman by birth, venerable by age, generally known through the province, and not more known than

respected for a man of strict veracity and unshaken integrity. He was Colonel of Militia and Justice of the Peace.

In order to prepare the minds of the Grand Jury to do their solemn and important duty of making diligent and strict inquiry, the acting Attorney General perambulated the Town of Three Rivers like a Bachaulian, proclaiming that he had at last obtained indubitable evidence against me of counterfeiting American half dollars, the current coin of the province, which *was* against the law, and of inundating the country with my spurious manufactory.

Such was the situation of affairs, when I was called before the Grand Jury to testify the truth in the cause "the King against Barker." Immediately on entering the Grand Jury room, one of the jurors demanded, "Mr. Burroughs can you swear you are worth an independent fortune?" Astonished at such a question, I hesitated in my reply; at length I observed, "Gentlemen, I think I do not understand your question; the answer by the Grand Juror was: "there, there; that is all we want to hear from you; you may retire;" this juror together with several others fairly crowded me out of the Jury room; vocefesating, "Mr. Burroughs says he is not a man of independent fortune; Mr. Burroughs says he is not a rich man; Mr. Burroughs says he is a poor, poor man." During this bustle, one of the Jurors cried at the top of his voice, "Do let us hear what Mr. Burroughs has to say;" but his cry had no effect.

Mr. Cull was next called into the jury room, and the following dialogue ensued, as related by Mr. Cull to me afterwards. "Mr. Cull do you know this scoundrel, this counterfeiting swindling rascal, who has made so much noise and done so much mischief in your country, and who has made a complaint against Mr. Barker your brother magistrate, and a most respectable man? Mr. Cull, in that cool and collected manner for which he was remarkable, made the following reply: "If you mean Mr. Stephen Burroughs, I can readily say I know him; I lived several years his neighbour, and have had much dealings with him. I never heard among his neighbours any complaint of his dishonesty in *any* way; and in my various transactions, I never experienced any thing like dissatisfaction." Several of the jurors reproached Mr. Cull with bitterness for attempting to support one who at any rate was on the eve of being convicted and hung for coining; alledging that the At-

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torney General had fifty proofs against me, each one of which was abundantly sufficient to effect my conviction; they ended by dismissing Mr. Cull in the usual manner by crowding him out of the room. Thus were the passions of the jurors excited to such a degree of frenzy that they forgot every mark of their solemn duty, as the grand inquest of the District.

As it relates to the conduct of the Attorney General, I have attributed his outrageous folly to being made a dupe by Barker, rather than to personal malice or considerations of pecuniary profit. Barker was a complete sycophant, willing to please the vanity and excite the ardent ambition of the Attorney General (which was a weak spot in his character) by representing to him, that he was the *only man* in the Province fully capable of unravelling the deep plans and wicked machinations which I had devised; insinuating to Mr. Attorney General that he would crown himself with full blown and never-fading laurels, by such a brilliant exploit, which his predecessors had vainly attempted to perform. Full of this glowing view of the subject, he zealously pursued his object, until, in an ill-fated hour, misfortune applying her unrelenting shears to his head, divested him of his high honors, his blushing laurels and his hair with them. After carrying the various half dollars, which he had gathered with so much care and *legal* sagacity, to a celebrated chemist for scientific examination, he heard the astounding report that they were all good silver.

This brought Mr. Attorney General to reflection; and to a full sense of the hoax which Barker had played at his expense. Deep mortification and I believe some compunction succeeded, but his vanity obtruded a barrier to his manly acknowledging his error and redressing his fault. Ever after this, however, Mr. Attorney General appeared to entertain a keen sense of resentment against me for having the frontless presumption *not to be guilty* of any of the crimes of which he had so roundly accused me. In this Mr. Attorney General did not stand alone; the Public, particular that part who were *not* my acquaintance, received it for granted that I must be guilty of many crimes, but concealed by the profoundest art. In the particular of concealment they were not so extremely erroneous; I had that art to perfection; yet it was an art not intricate, but very *simple*; and that art secured my crimes totally from human research. This art consisted altogether in *inno-*

cence. Yet this innocence was badly rewarded by the great and *wise* men of the age. These unnaturally *sagacious* men, wholly refusing to pursue me in the plain path of common sense and truth, were determined to find me secreted in some dark recess, some intricate defile, some dismal retreat of the assassin; and they eagerly followed this course until they plunged themselves deep in the mire, and thereby defiled their own *pure* garments with filth, which time will never deplete or wash away the disgusting stench: thereby fully verifying the truth of the old proverb, "Great men are not always wise."

To return again to the thread of the narrative where I left its course, to my dismissal from the Grand Jury room, I directly entered the court house, and the Attorney General immediately called on me to come forward before the court, which summons I obeyed; and to my astonishment heard, after a torrent of vituperation characteristic only of the ruffian, the Attorney General accusing me of not appearing, according to the tenor of my bond, before the court of criminal jurisdiction at Montreal, and he moved the court to commit me to jail without bail or mainprize. The court complied, and I once more found myself incarcerated for a period to which I could not with certainty, find an end in my own mind. I had always before this time, entertained much confidence in the unshaken integrity and justice of the court. I now found myself in a situation to which conjecture itself could not reach. I well know that I had fulfilled the conditions of my bond even to the letter; that the present accusation and committal was a mere *pretence*, for some latent purpose equally evident. I now viewed my situation with a degree of astonishment which beggars all description. What could be the hidden design, the ultimate object of this procedure, was altogether beyond conjecture. I consulted every person who *professed* to have legal knowledge, in order to learn this mystery, so totally beyond the ken of common sense. My consultation was useless. I found them all equally lost in the field of wild conjecture, of intricate mazes, too obscure for their research.

I considered it among the number of possibilities, that some minute circumstance of *form* in my proceeding had been neglected; and that advantage had been taken of that, in order to account for or cover this strange transaction. Therefore, I dispatched a messenger to Montreal to the Clerk of the Crown,

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to learn the true situation of the business: my messenger soon returned with a certificate from the said clerk, avouching that no bail whatever was in his office against me *uncancelled*. It was now considered that my liberation was certain and speedy. I had *official* documents to prove that my confinement was unjust; and as justice (particularly when tempered with mercy) was the most precious jewel in the royal crown; I presumed that he who represented the kingly attributes here would immediately do me justice, the moment he obtained satisfactory information that I was divested of my liberty wrongfully. Fame had given to the then Governor (Sir J. Craig) the reputation of being a great man. I fully believed that greatness and goodness were nearly inseparable; wherefore, I inferred that the Governor, as dispenser of justice for his royal master, and from the benevolent dictates of his own heart, would rejoice and eagerly embrace such a fair opportunity to show his own and the love of justice in the King. Animated with this pleasing view of the subject, I immediately memorialled the Governor, accompanied with the *official* evidence of my unjust confinement. His Excellency, for some reason *then* altogether unaccountable, did not condescend to make any reply. However, it appeared afterwards, that from *political* motives, "to do the Americans a favour, he left me bound." The Governor having failed in his political pursuits, after suffering six months close confinement, I was suffered again to breathe the air of freedom.

This course of affairs had the most disagreeable consequences on all my concerns. It was generally believed by the great body of the people that it was the settled intention of the Government, *per fas aut nefas*, to effect my destruction. This belief encouraged the evil minded to plunder me of my property, and those who were ambitious of standing high in the confidence of the Government, to contribute their endeavours to increase my oppression; allow me to mention two instances, selected from many, illustrating the truth of this assertion. A certain person stole from me a pair of oxen; the thief was immediately followed, overtaken, and the oxen found in his possession; he was taken before a Justice of the peace, who declared publicly that he dare not meet the frowns of Government by interfering as a magistrate, in a cause wherein I was complainant; consequently the thief went off in triumph, and in possession of the stolen property.

Residing in the town of Three Rivers myself, I had left my two sons in the care of my farm in the Townships: an execution being against me for debt, I wrote to my sons to deliver over to the bailiff holding the execution, certain moveable property for sale, in order to satisfy the execution. In obedience to my directions the property was delivered to the officer, and sold by him at public auction. For this action of my two sons they were arrested for theft by virtue of a warrant of a magistrate, by him bound to appear at the next criminal court to be holden at Three Rivers; and the property sold by the Bailiff, taken from the various purchasers, by a warrant of the same magistrate: it will be well to notice that this extremely *loyal* magistrate exhausted his copious fund of eloquence in dissuading my neighbours from becoming security for the appearance of my sons before the court, that he thereby might be able to commit them to close imprisonment; observing that "it was the determination of the government to destroy me and my family, and whoever was found opposing it would be considered disloyal." However, those arguments were not attended with their desired effect. At the sitting of the court the grand jury, even of Three Rivers, had virtue enough to reject this accusation with the indignation to which it was justly intitled; and thus ended this painful business.

The ruinous expenses of prosecutions, the almost constant inattention to my business, and the frequent depredations on my property, for a series of six years, had formed a concatenation of embarrassments, which required superhuman strength to overcome. In addition, the precarious tenor of property to me when obtained, formed a prospect covered with the deepest gloom. I found myself *virtually* denied the protection of law, and the colour of that same law made use of against me with its utmost vengeance. Innocence, urbanity, philanthropy and unshaken integrity became no security; no shelter from *legal* persecution and unrestrained depredation. I had a family dear to my heart as life itself, and that family altogether dependant on me for all the provisions and enjoyments of life. I put it to your own heart, Sir, what must be my feelings and views of Canadian justice at this time? A country to which I had been invited; a country which could not complain justly that there had been a solitary moment when her prosperity had not formed a paramount object of all my pursuits.

I again began to cherish some faint hope that my enemies and the infatuated multitude would cease from their clamour, their prejudices and their mad proceedings against me. Not a solitary instance of conviction had taken place, notwithstanding the bitter clamour which had deluged the country, every hole, corner and crevice had been diligently explored by the most *sagacious* to no effect. It was now apparent to every *honest* and candid person, that the object of all this noise had unjustly fallen a sacrifice to the baser passions against him. I did some flatter myself with the sympathy and friendship of the reflecting and virtuous part of society. They must see that accusations innumerable had been made, but without any support whatever. The innate principles of justice would call loudly for redress. The moral sense would have its influence. In a few instances I realized these fond expectations, which I shall mention more particularly in the sequel. The great body of the people, especially those in high *official* situations, remained altogether inexorable; they had once said that I was a bad member of society, *they* would not retract; so that, in a general view of the subject, I had the same hope from the generosity, from the manliness, from the tender feelings of the great, as the innocent lamb when appealing to the tender feelings of the hungry wolf.

In order to obtain a support, I opened a private school in the town of Three Rivers. After continuing the school for one year to the general satisfaction of the inhabitants, a vacancy took place in the school under the royal institution. The inhabitants of Three Rivers got up a petition to the Governor, praying him to give me the vacant situation. This becoming known to some particularly *virtuous* members of society, the tocsin was again sounded, vituperation was let loose, and the prayer of the petitioners was rejected. In this wanton, cruel and ungentlemanly procedure, one who holds a high *official* situation at the present moment under government, took a leading and perspicuous part, loudly vaunting of the chivalrous deed.

In the year 1812, a concatenation of events took place which induced the governor (Sir G. Prevost) to give me employment in performing secret services, with a promise of "a handsome provision" for the performance of these services. I had vanity to believe that no man could effect the object of those

services more completely than myself ; certainly no one could be placed under circumstances of an adventurous nature, more favorable to the object of my undertaking ; and it was as certain that no one could have a stronger *desire* to execute my commission with zeal and fidelity. In order to carry my undertaking into effect, I had expenses to meet ; rather than apply to the governor for advances, I preferred borrowing money to cover those expenses, fully confident that the sum would be promptly and gratefully repaid when demanded. In the various objects of my attention in the course of the year, I had paid sixty pounds for travelling expenses alone, and performed every other act within my power to promote the success of my undertaking. Sensible that in this pursuit many circumstances might probably occur which might render my conduct problematical to general observers, I sought for and obtained a document from two of the chief magistrates, showing that I was in the service of government, and whatever measures I adopted ought to be considered as done under their sanction and under their authority.

Matters were thus situated when I let an out house to two soldiers having families, and belonging to the Glengary Regiment. During their residence in my out house, I overheard a conversation between them which gave me some alarm, under an apprehension of a conspiracy forming in the regiment which might be attended with serious consequences. I considered it my duty as a loyal subject to discover the truth of the subject of my suspicions. I considered that this duty was still stronger on me from my confidential agency, although this object of inquiry was not immediately connected with the prime object of my pursuit. Acting under the influence of such a view of the subject, I took measures to ascertain the truth of my suspicion. I indulged the soldiers in their approaches to more familiarity. I soon discerned that they were impressed with the idea that I could not and would not be faithful to a government which had treated me with such unheard of cruelty and injustice ; they spoke to me of their own wrongs ; of the deception which had been practised on their incredulity ; and ultimately disclosed their intention to desert, praying me to write a pass to enable them to travel the country without detection or interruption. I wrote them a pass, but took good care to write it in such a manner as to make it altogether unavailable

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to any sinister purpose. I soon became satisfied that desertion was the *only* thing in contemplation; and that all the threats of sudden destruction to the officers of this regiment were but the vain vauntings of an idle soldiery: no reasons now remaining to the contrary, I removed the mask, and frankly declared to these soldiers what were my real views of their intentions and proceedings, together with my own determinations relating to them; that as they had, though uninvited, reposed so much confidence in me as to communicate their secret intentions, I felt no inclination to involve them in difficulties; and in consequence on condition of their leaving my house and returning to the Barracks, the affair should remain a secret. They promised compliance, but asked for some delay. I gave what I thought needful, and warned them that I should communicate the secret, if they exceeded the time, they did exceed the time; I gave the information, and of course they were confined.

My enemies again "cried havoc and let slip the dogs of war," as will be seen in the sequel. When these events took place, I did believe that I had completely discharged my duty to my king and country, to my commission, and to the moral sense; and with as much prudence as could be exercised. After reflecting on this subject for twenty years, I have seen no cause to alter my opinion. Yet for this very transaction I was treated with more severity than the murderer, the nightly assassin. To my indescrivable astonishment, the next day I was arrested by virtue of a warrant issued by the very magistrate whose name was appended to my document of safe conduct; and by him committed to the dungeon, with a demand of bail for five hundred pounds; although the utmost penalty of the law, for the crime of which I was accused, was a fine of forty pounds!!! After much trouble and expense, I procured and tendered the bail of five hundred pounds, but I was refused my liberty in consideration of any bail whatever. I was accused of "persuading soldiers to desert." The evidence on which this accusation was built was the testimony of the two soldiers who were then confined in consequence of my information!!!

Reflecting upon my situation, I at once saw that two interests were united in procuring my condemnation. The magistrate who committed me was extremely anxious to be thought by the governor in a particular manner, a man of matchless

sagacity ; he wished to make this wonderful discovery a proof in point. He informed the governor that he had made the discovery that I was acting for the enemies of the country whilst I was pretending to perform secret services for this ; that he had most fortunately obtained *written documents* to prove treason of the most atrocious nature. In this simple pass, which he had obtained from the soldiers, he had by his plastic powers discovered ghosts, spectres, hobgoblins and monsters, when a school boy, under the influence of *common sense*, would have seen that it was a mere "tub to the whale," possessing nothing good or bad but altogether indifferent. He wished to exalt this mouse into a mountain, whereon to build his future fame. He considered in me a very convenient stepping stone to assist him in mounting the desired eminence.

The other party equally interested in my condemnation was composed of the Colonel and other Officers of the Glengary Regiment. These officers had already received from the governor severe animadversions for the unusual disorders and dissatisfaction which had taken place in the regiment. On condition of my condemnation they believed the blame would, in his mind, be entirely transferred to me. The military, at that time was all powerful through the province, so that I had no contemptible adversaries to oppose ; I did expect that bribery and perjury would be resorted to, to carry such a favorite point : however, in order to do strict justice to all, I could never learn that it was attempted by the officers. It is true they were incessant, ardent and persevering in urging many to testify against me, but never could discover that they offered fee or reward for testifying falsely.

I was now thrust into a dungeon, a fit emblem of the black hole of Calcutta, where so many miserable wretches perished by suffocation. I was bitterly reviled by the civil officers, insulted beyond measure by the military officers, and harrassed day and night by the soldiery who were placed as a guard around my dungeon ; this took place in the hot days of August which produced suffering of the extremest kind. Fame now opened her hundred mouths, and like a volcano belched forth her vituperations which inundated the provinces and scattered her ashes across the Atlantic. All intercourse with my family was inhibited ; my friends stood aloof in wild dismay, sadly looking for a fatal catastrophe to my eventful life. Allow me

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once again, Sir, by appealing to your sensible heart, to imagine for a moment, what must be my feelings at this time, taking into consideration that I was husband to one of the best of women, who had forsaken the prospect of a most splendid establishment, to unite her fortune with mine; as a fond father to children on whom I looked with the fondest belief of their possessing qualifications of great promise?

At the sitting of the court, the present Honorable Chief Justice presided. This gave me much encouragement, from the consideration of frequently seeing him before acting the part of the upright Judge, even in defiance of popular clamour or overwhelming power. I was not disappointed in my fond anticipations. I soon saw he was determined to try the cause by the rules of law and justice; and not by the feelings of the multitude who crowded the court house to overflowing. Indeed, in order to do justice to others when I am seeking it for myself, I must say that the Honorable Chief Justice has been the only man I have known holding office in the Province whose moral courage has been sufficient to sustain him in the discharge of duty, uninfluenced by the appearance of danger or public censure.

The cause finally came before the court for hearing. The petty jury were arranged, and while their names were called over, the Attorney General removed each one by challenge who had ever been known to salute me with a passing bow; thus purifying the jury, the cause went to trial, and after hearing every thing which could be said on the side of the crown, even a jury of Three Rivers had virtue and understanding enough to pronounce, without leaving their seat, the following verdict: "Not guilty, but has acted as a good and loyal subject." This return of the jury was heard, by many in this great assembly with apparent regret, and deep mortification. The whole object of anticipated future advantage was lost to them in a moment. However, I was suffered once more to breathe the air of freedom, and return to my disconsolate and starving family. I found my pupils had all been distributed into other schools, under the full belief that I should never again be indulged with the blessing of liberty. They were induced to form this belief from the oft-repeated declarations to that effect of the high official characters of the country. My only means of subsistence was taken away. My prospect was covered with gloom of the

deepest cast. I saw no possible way to extricate myself from this fatal dilemma.

I expected, however, that now my conduct having been tried by the only rule known in society, and by that rule found correct, the torrent of slander would cease, and that the great men of Lower Canada would, from *policy*, if from no other consideration, put on the *appearance* of a regard to justice by acquiescing in my innocence, when a jury of my country had solemnly made that declaration. However, in this expectation I was altogether disappointed. In the room of abating their torrent of vituperation, they again poured it forth with increased exertion. They were loud in their denunciations of increased guilt, in my asserting my innocence in defiance of their reiterated declarations to the contrary.

Under this accumulation of suffering, my faithful, virtuous and affectionate wife fell, fatally fell from the pressure of this insupportable load; and through a broken heart, sought refuge in the arms of His mercy, who is full of loving kindness even to the smallest of his creatures; seeing no prospect of mercy or justice in this world, she sought a refuge on a more secure foundation.

I had for two years past formed an intimate and confidential acquaintance with a man whose name is ever a passport to *honest* fame; a man who possessed a head to understand and a heart to feel the sacred cause of justice. This man was the venerable Abbé De Calonne; a name too well known on both Continents to call for any eulogium from me; to him I detailed my sad and cruel history without reserve or limits; he lamented over the strange history, and did all he could to obtain redress for the glaring, united and unexampled injuries to which I had been subject; strongly persuaded that he should obtain some relief. He wrote largely and animatedly to Governor Prevost on the subject, but finally received for answer that "there could not be so *much smoake* without some fire"!!! Previous to writing, I attempted to dissuade the good Father from his undertaking, urging the hopeless state of the case; that the *influence* against me was altogether irresistible, and that the result to himself would be mortification and disappointment. On receiving the governor's answer, he uttered with a bitter groan, "Ah! Mr. Burroughs, your prophetic suggestions were but too correct."

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Of the justice of the governor's philosophical, legal and humane deductions the course of Providence soon gave him the proof in his own person. He became the subject of general clamour and vituperation. He made loud complaint, and very justly too, in being condemned before he was tried. However, so strong is the influence of self love, that I seriously doubt whether his reflections ever called his attention to the analogy between the two cases. Father De Calonne had, in a letter to the governor, demanded that at least the monies which I had actually expended in the service of the government should be repaid. In order to effect this object *equitably*, the governor referred the business to the very magistrate, who had given me a "safe conduct," and then committed me to prison for acting under and in accordance to it, to report what money I ought to receive. This magistrate, without committing his *dignity* by making any inquiry of me, or learning from any quarter the *data* on which my expenditures were made, very humanely *allowed* the governor to pay me thirty pounds, the half of my expenditure !! Strange as it may appear, I received this small sum with pleasure, it was the only means within my reach to keep my family from literal starvation.

In taking a view of my present situation, I found that I had experienced a seven years cruel persecution, attended with expences which no private fortune could support. Yet I became the object of bitter reproach and keen invective, for not possessing the faculty of retaining property; even by those who ought to pour into my wounded mind the balm of consolation and tender sympathy. What aggravated my sufferings to the highest degree, was the painful consideration of my complete inability to repay the money which had been so generously advanced by my friends, during my seven years of dreadful struggle. What still added to the bitterness of my situation, the most biting invectives were constantly thundered against those friends who had stood undaunted in opposition to the odious practice of *legal* persecution; the ex-Attorney General in a particular manner, though learned in the law, and well aware that every man ought to be esteemed innocent until he was *proved* guilty, was unceasing in denouncing his anathemas both against me and my friends. However, this paragon of moral and legal virtue, finally became the subject of accusation himself: this gave his mind a *new* mode of reasoning—a new and corrected system of logic. For any one

to utter in the softest whisper the probability of *his* guilt, before it was established by legal proof, was a crime of an unpardonable nature. I have no doubt but the *present* situation of this *extremely* good man, must have forced upon his recollection his former conduct to me, and caused him some regret. But his peculiar temperament was such, that he would never submit to the *disgrace* of retraction. Indeed I have too fatally found that those who have been ambitious of being distinguished as the aristocracy of the country, have in a great measure forgotten to follow the noble example of the aristocracy of England; and have stooped to the practice of those base and plebeian vices, of which they scarcely ought to know the name; among which the overwhelming propensity of trying every cause by Billingsgate dialect, is not the least: so that the argument adopted by Sir George Prevost, that there "cannot be much smoke without some fire," has become altogether paraletic. Others who have been basely calumniated had friends, relations and connections to retort the calumny back on the aggressor, in the same unpolished *lingo*. It was far different with me, I was a stranger, relying altogether on the Royal invitation. Hence I was altogether without support in this *kind* of warfare; I was so simple as to believe that angry vituperation and bullying language, contained no *conclusive* arguments, especially to the minds of the *great* men who were appointed to administer the Government.

I do not expect or even wish that My Lord Gosford should turn knight errant, and draw the sword in vindication of my reputation. Such a pursuit would be altogether useless; but let him give me back my property, and well do I know that those very characters, who have been loudest in their bellowing invectives against me, would be the very first to bend the knee before the golden shrine; and would even crown it with laurels of the most brilliant verdure. I am well aware that every effort will be called into exercise in order to suppress an inquiry into the merits of my complaint. Many childish and frivolous excuses will be offered for the purpose of hiding the truth in the deepest obscurity. By the same mode of reasoning, as has already been so frequently resorted to; viz. the bitterest calumny, they will attempt to divert the enquiry. By the Royal instructions, I have a *right* to be heard; and to have my Memorial meet with attention. Will his Lordship view it too presuming in me to *insist* on that right?

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It will undoubtedly be urged that my complaints embrace events of so long a standing, that it will be next to impossible to enter into an investigation, with any fair prospect of reaching the truth. But to obviate and altogether remove this *seeming* objection, I will observe, that almost all my grievances are matters of record. Records speak the same language through all periods and in all places. The Records will show that I have been deprived of my property, my liberty, my honest fame—in fine deprived of every thing dear to man, by a course of virulent *legal* persecutions, altogether unexampled in civilized society; and the same records will shew that these cruelties were inflicted when I was unspotted with blame and untarnished with guilt either moral or legal.

Wretched is that society where its members are dependant for the enjoyment of all that is near and dear to them, on the caprice, suspicions and wild imaginations of public clamours; hence arise the necessity of a permanent and established rule, by which the true merits of each character shall be estimated. By this rule have I been tried time after time; and the help of many thousands of pounds, have been called in to aid and assist in this *virtuous* pursuit, until the powers of investigation were exhausted. After having passed the fiery ordeal, concerning my *legal* conduct unscathed, I am now willing to submit to an equally severe scrutiny, in the discharge of my moral duties of the domestic, relative and social kind. Is virtue a reality? or is it a pleasing expression to amuse and deceive old women and children? In the cases which I have mentioned, virtue has been punished with a severity, beyond what is ever known for crime. Those very people who have been most prominent in these unjust cruelties, have been promoted to offices of profit and honor, whilst I have been buried under a load of infamy enough to sink a nation. Is this a specimen of British Justice? If such conduct can, by any means, be reconciled to any thing like justice, I must candidly confess that at the age of seventy-one, I have yet to learn the first principles of right and wrong. By the humane principles of the British law, "every man is to be presumed innocent until he is *proved* guilty. My honorable persecutors were men of *legal* knowledge and well knew that sacred point of British privileges; and were perfectly willing to enjoy the utmost benefit, in all questions applying to *themselves*. But they did not choose to allow *me* that right; they insisted that I should be esteemed

guilty until I had proved myself *innocent*, and even after I had so done, time after time, those great men, who were placed on high as patterns of virtue for the imitation of the multitude, were as inexorable as ever; and rather than diminish their own *dignity*, by acknowledging their wrong, chose that I should suffer every species of misery.

Is virtue an object of reward? I need not offer proofs to His Excellency to support the affirmative. I have a *legal*, equitable and indisputable claim to that character; and what has been *my* reward? When I became a member of this Country and a subject of this Government, I had more than ordinary motives to make myself a useful and esteemed member of this community—this desire was never relaxed for one moment, not even during my bitterest persecutions. I have done all my feeble talents would allow to affect such an object; and my reward has been such as you have seen.

Permit me to relate one fact illustrating the truth of the foregoing assertion; and shewing the ungenerous conduct of my enemies, who were ever ready to attribute to base motives every action of my life, however good in themselves. Being at the distance of one hundred and twenty miles from Three-Rivers, I there learned that the enemy were intending and preparing for an attack of our army under the command of Sir G. Prevost in the Upper Province; that he should be apprised of this event was of the utmost consequence. However, for *me* to communicate this to him was useless and perhaps worse than useless. I was distant from the Father de Calonne 120 miles, with whom he was on terms of confidence; the roads were execrable, yet on mature reflexion, I found it possible, through him to have the information reach the Governor. I mounted my horse, and travelled incessantly for two nights and one day, until I reached the Abbé de Calonne. About the middle of the journey my horse fell dead under me. However, I obtained another, and immediately gave the information to the Governor, only suppressing the knowledge of the channel through which he had obtained the intelligence. This information enabled Sir George to prepare for the coming event; and thereby he defeated the enemy at the battle of Chrysler's farm. Such has been my conduct since I saw fit to accept the royal invitation to become a member and subject of his government; and I defy my bitterest enemies, with all their plastic powers, to assign a dishonorable or unworthy motive for this conduct, for it is a fact that has

been always unknown, to all except the Father De Calonne, even to this day.

I hope that no expression in this Memorial may prove unpleasant to His Excellency. Should that be the case it was not intended, and I pray his Lordship to do me the justice to believe it. I have told my simple tale without consulting with any one, I did not wish to involve my friends in difficulty by exposing them to the unrelenting vengeance of my enemies with all their matchless purity of heart. They cannot justly impeach any one of my friends in favoring my proceedings, when they were altogether ignorant upon the subject. When this memorial shall come to the knowledge of my enemies, their indignation will be excited; and all their energies will be called into action to inflict every species of revenge in the compass of their power, through my friends they know they can inflict the deepest wounds, for that reason I have left my friends entirely out of the question; and shall breast the storm single handed and alone, under the fullest confidence that the exalted mind of my Lord Gosford will look above the consideration of words and forms, where the *intentions* have been good. I have made use of such expressions in communicating my unvarnished tale, as appeared to me best calculated to convey the simple *truth*. My sole and only wish is to make his Lordship acquainted with the "truth, the whole truth, and nothing but the truth."

Allow me to remark that the observation will be made (it has been made heretofore frequently) that as I chose to enter into the wild speculation against the U. States which produced the robbery of which I complain, I ought in justice myself to bear the consequences. In reply to this I will barely name the conduct of the *British Government* in the case of Dr. Priestly, a case somewhat analogous to my own, although mine is more clearly and forceably intitled to redress, by being done under the commands of an officer acting under Royal authority; and Dr. Priestly lost his property by the lawless mob only. We live in a country where a *profession* is made of the christian religion. Has the spirit of that religion been exercised towards me by this Government? Have they fulfilled that divine command "therefore whatsoever ye would that others should do unto you do ye the same unto them" A simple love of Justice is the only motive to which I can appeal. I am by no means a political partisan; and were that the case, my influence in society is too inconsiderable to make me an object of either fear

er hope. Yet I am one of the great family of man ; and equally an object of justice with others. Another consideration which ought and undoubtedly will have weight with his Excellency, viz : the divine promise of *Him*, before whom nations tremble, of a blessing on them who execute Justice. " With what measure you mete the *same* shall be measured to you again." If their conduct has altogether contradicted their profession, will not the world be compelled to believe that the practical part of their religion hangs very loosely on their shoulders !

As the Governor has no means at his command in this country to redress grievances (strange as it may appear) there is one thing left which he can do ; and which I earnestly pray him to do. The king has the means in abundance to redress my wrongs ; he has likewise the *inclination*. His observations at the opening of the last Parliament that " the speedy and satisfactory administration of justice is the first and most sacred duty of a sovereign ;" this observation ought to be engraven in brass as a lasting and constant Memorial to future generations. Another royal declaration of like import is contained in the instructions to the Governor, " there was no class of Canadian people nor any *individual* among them, to whose petition that his Majesty did not require the most exact and respectful attention should be given." After such a solemn declaration made before the world, who can doubt for a moment his Majesty's sincere and ardent desire to see justice done to all his subjects without exception, particularly to one who has been so long and so cruelly treated, at least so far as to institute an *inquiry* ; and then to act in accordance to the result of that inquiry.

All which I humbly and respectfully submit to his Excellency's goodness and wisdom.

STEPHEN BURROUGHS.

Stephen Walcott, Esquire, Civil Secretary.

Three-Rivers, June 8th 1836.

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HIS EXCELLENCY LORD GOSFORD,

the Governor-General of the Canadas, &c. &c.

MY LORD,

Will you permit me to recall your attention to a subject of all others, of a temporary kind, the most important to me. When your Lordship shall have leisure to reflect on this matter, and in your own mind, place yourself in my situation, your Excellency will then see that my all in this life, my every thing is at stake; and that your Lordship has my fate completely at your disposal; and that the fairest opportunity is now in your hands, to render me that justice which has been so long and so cruelly withheld. I have no doubt that the subject contained in my Memorial of the 8th of June, gives your Excellency perplexity and trouble—that many considerations of a *political nature*, offer themselves in opposition to its meeting attention, yet I cannot but hope and believe that truth and justice in their simple garb, will maintain a paramount consideration in the mind of your Excellency over every other motive. I have for many years entertained the belief that justice and *true policy* are so inseparably connected, that one cannot exist without

the other. To your Excellency I humbly submit the correctness of this opinion. The Machievellian system of policy, I am well aware, often presents to our view, many plausible appearances of advantage, yet however plausible, they will ultimately and invariably prove deceptive; this opinion likewise I would submit with due deference to your Excellency's superior knowledge of political science and of the history of the great family of man.

Your Excellency will remember that I had the honor of presenting a Memorial bearing date on the eighth day of June last, a period of more than six months; your Excellency will take into consideration the truth of the old adage, "hope deferred maketh the heart sick." That your Excellency is the *only* person on this side the Atlantic on whose regard for and power to do justice, I have any dependance. Should your Lordship's patience with our intestine feuds become exhausted, and induce your return to more happy scenes and manners; then what have I to look for, but "flat despair?" Such considerations fill my mind with the most gloomy prospects. Your Excellency will likewise take into consideration that the weight of years, together with the encroachments made on my constitution by the battering, beating, and "pelting of the pitiless storm" for seventy two years, have made me in-

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capable of further exertion to support my own existence, or provide for the future support of a young female child, only twelve years of age. I must, in the present state of things in the course of nature, soon leave that child to a state of abject dependance, where her dependant state will be exhibited to her feelings continually, in a manner more painful than the sting of the viper!!! Your Lordship will not wonder that, my all my every thing being at stake on the sense of justice in your Excellency's bosom, I should be extremely anxious to awaken your attention to a subject, fortified not only by the claims of justice, but likewise by the claim of humanity and every sympathetic sentiment of the better feelings of the human heart: indeed, My Lord, I cannot die in peace, I cannot rest in my grave under the distressing prospect of the future fate of that child.

I have had the honor of presenting to your Excellency some *few* details of my inhuman, unequalled sufferings—sufferings which I cannot but believe loudly call for redress, and which I fully believe your Excellency, *as a man*, views in the same light. If I should ever be so happy as to obtain an inquiry, I pledge my veracity that your Lordship will find that I have made the representation far below their heinous nature, both in number and in atrocity. Allowing this to be true, what is there in nature, in justice, in the or-

der and regulations of society, that prevents *my* wrongs to meet redress? am I not a faithful British subject, am I not equally intitled to protection and redress with others? Let me reiterate to your Excellency that in prosperity and adversity; under evil report and good report, under oppression, insult and abuse, I have never ceased for a moment my fidelity to the British Government. Shall I, for my reward, meet with the most apathetic indifference and contempt? Is it not, my Lord a most extraordinary concatenation of events that I should suffer a reiteration of the most astounding acts of injustice for seven years in succession, and that every such act of injustice should be of that *peculiar* nature as to be beyond the power of redress? I am unable to *command* attention to my suffering. I am too weak to offer the motive of fear, or the exercise of the *Lex talionis* as a motive to call attention to my deplorable case; I have nothing but the simple plea of justice to offer, yet that plea is strengthened—strongly supported by promises of the most solemn nature from the Throne, from the Home Government and from your Lordship's opening Speech at the first Session of the Parliament, after we had the happiness of your Lordship's presence in the Province. Shall all these promises, in the event, prove to be mere words without meaning? a mere "tub to the

whale," a perfect *ignis fatuus*? Impossible: every trait of British greatness repels such a suspicion.

I well know that much exertion will be made to strangle my memorial in the birth. The salvation of my persecutors depends altogether in keeping their conduct hid, "They hate the light, because their deeds are evil." It requires the head of a Soloman and the patience of a Job to unravel their deeds of darkness and of iniquity; and they will call into exercise every effort to prevent an enquiry. They will use every means, both direct and indirect, that their *cunning* can devise, to prevent your Excellency from giving it that attention which justice loudly demands; Such considerations have created a fervent desire to have the Memorial referred to the Home government, where the cause could be considered without the interruption of the base intrigues of Provincial delinquents or their supporters; and where the calls of justice, though from a feeble individual, would be heard with attention.

I well know that it is in my own power to send my memorial to the foot of the Throne. However, as I have laid the business, in the first place before your Excellency; as your Lordship was sent to this country for the express purpose, to learn, and to redress the wrongs which now do, or *heretofore* have existed in Canada, it appears

to my understanding, that I have a just claim on your Lordship to redress, or at least to a reference of my memorial to where both the inclination and power exist for granting me justice. It being transmitted by your Lordship, with such remarks as you conscientiously believe you ought to make, will render its appearance of more grave importance and command more ready attention.

The simple question before your Lordship is, in my humble opinion, whether the facts, stated in my memorial, constitute a wrong? If they constitute a wrong, where am I to look for redress? Certainly to those who have made a solemn promise to that effect; and whose public duty is to redeem the pledge which their promises, have offered for the security of the subject. If the plainest cases of wrong are to be set aside and strangled in the birth with baffling excuses, where is the benefit of those flaming promises—of those solemn promises made to the subject for redress? They certainly *must* appear as a solemn mockery, and worse than the pains of Tantalus, to our disappointed expectations.

Should your Excellency entertain the least doubt in the representations set forth in my memorial, an *inquiry*, will set that doubt at rest. There is nothing would be more grateful to my feelings than an inquiry—such an inquiry, as to elicit “the truth, the *whole* truth, and nothing

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but the truth." I am well assured that the truth would prove my greatest friend, but the bitterest enemy to my enemies.

Can it be in the number of possibilities, that the idea has been suggested to your Excellency, that, inasmuch as I have already suffered a very long series of bitter injustice, that I now ought to sit down tamely and silently under the burthen, thereby allowing my enemies a *præscriptive* right to the fruits of their wickedness? I can assure your Excellency, that so far from having my feelings rendered torpid and callous, under the long reiteration of abuses, they have become more and more accessible to the keenest sensations—perhaps to a morbid degree. Should any thing of that kind appear to your Lordship, in this address, I appeal to your native benevolence and greatness of mind for a remission of the offence.

Can it likewise be possible that the plea has been offered, that your Lordship ought not to take cognizance of my complaint because it refers to wrongs done, not under your administration, when it is taken into consideration that the most particular object of your Excellency's mission was to inquire into and *redress* all wrongs which had heretofore existed in this Province? Whilst your Lordship is attending to the complaints of the Canadians, which were alledged to have happened coterminously with my

own, and neglecting mine, will it not appear to every reflecting mind, that the object of simple justice has not been the pole-star of our politics? The Canadians form a powerful body, who are able to *demand* justice ; I am a solitary individual unable to offer any motive of attention, but the simple plea of right—of injured and abused right.

When I take into consideration the soothing and animating declaration of your Lordship, that strict and impartial justice should be administered in this Province, a *solemn instruction* from the Home government that due attention should be paid to the petition of any class, or any individual of the Canadian population : that our Sovereign had declared from the Throne, that his first and most sacred duties was the “speedy and satisfactory administration of justice.” These public declarations coupled with the consideration that I have a memorial lying before your Excellency without any attention for more than six months, notwithstanding that memorial sets forth a narrative of the most horrid and outrageous wrongs perpetrated in constant succession, treading on the heels of each other, and putting humanity to the blush for the course of seven years ; and producing in their results, consequences of a monstrous, an appalling nature, have formed an enigma beyond my power to solve.

I will frankly confess to your Lordship, that my long desponding hopes of justice were revived, when I saw so many and so fair *promises* made from the highest authorities. I did think, and with a confidence which admitted no doubt, that every duty which was incumbent on me was to make my grievances known, in order to ensure "speedy and satisfactory justice." In addition to this, the affairs of Canada were beginning to call the attention, and create an inquiry from the Home government; and I saw no kind of reason why my complaints should be excluded from attention, well aware that if they were once investigated, they would form a case which no government would dare to neglect, and which the *British government* would glory in rectifying.

I am altogether sensible that the amiable qualities and finer feelings of your Lordship's heart would influence you, *as a man*, with a wish to see me relieved from misery; but your benevolent designs, *as a man*, are unavailing; your Lordship's attention, *as a Governor*, can alone remove the evil. That the duties of a *Governor* should be at variance with the refined sentiments of the most amiable heart, is an apparent solicism to my weak understanding: yet, for the term of thirty years, I have found a *secret influence* hid in the most gloomy darkness, behind the gubernatorial Throne, defeating all my exertions, and preventing my demands for justice from any

attention, even so far as to gain an inquiry.

I need not name to your Lordship, that the first principles of Government are established in the necessity of "guarding the weak against the oppression of the strong." Allow me to call your attention to the *manner* in which this great duty has been executed in this Countrey. I was, in the first place, robbed by the officers of this Government, of all my property; and then, by them treated as the vilest criminal, *because I was poor!!* The most outrageous acts of injustice were tolerated against me, *because I was poor!!* The most indignant and silent contempt was cast on all my applications for redress, *because I was poor!!* I well know that this Government had *the power to shut their ears to my complaints*, but the present question is not of *power*, but it is a question of *justice*. I had my desponding hopes revived, my feelings cheered, by the combined *promises* of justice, from the highest authorities of the British government: I now wish to test those *promises*, by their conduct. Promises unaccomplished, prove nothing but the want of good faith in those who make them; and whether the most efficacious measures to destroy all confidence between the Governors and governed, be consonant to *true policy*, I humbly submit to your Excellency's superior wisdom. Have not the enormity of my wrongs, and their long continuance been urged as a reason against their

redress !! and yet, with such monstrous examples, with such shocking doctrines from those who ought to be *examples* of every virtue, we, the poor, are called upon and pathetically exhorted to be virtuous and *loyal* !!!

Perhaps it may be urged that my wrongs are of such a peculiar nature, and arranged in such an anomalous class, as not to be included in the atmosphere of those promises. If so, why delude the subject with vain and fantastic hope? Why not candidly declare what wrongs were, and what were not to claim the attention of Government, so far as to meet redress? It cannot be a matter of doubt in the mind of your Excellency, that hope excited, for no other purpose but disappointment, is adding to the distress of the original abuse. It appears, to my humble understanding, that the inferences which must be drawn from the present state of my affairs are, that the facts stated in my memorial, do not, in the view of the Government, constitute a wrong; or that the promises, made by the highest authorities, were made as a mere "tub to the whale," without the least intention, that they should ever be realized. Such a view of the subject, calls for no comment from me; I submit it altogether for your Lordship's consideration; I well know that your Lordship has the *power*, in common, with your predecessors to refuse to listen to *my* complaints; to crush me beneath your over-

whelming advantage ; to stifle the cries for justice in every stage ; yet will it be beyond example should they ultimately, from a still " small voice," swell into the violence of a mighty tempest, and shake the scenes of injustice to their very foundations ! Pardon me my Lord, if any thing in this address may seem to convey a doubt of your Lordship's love of justice. I should consider myself unpardonable even to entertain such a suspicion ; much more to express it. Yet I know your Lordship to be surrounded with so many *interested* in suppressing the truth, that I wish to say all my feeble abilities will permit, to reach the truth through the medium of your Lordship.

My Lord, I am old and feeble—I can say no more—perhaps I have said too much already—I have said what my judgment has dictated. I am compelled to depend on my own resources altogether, by my isolated situation, without the council of the wiser and better informed. To your Excellency's goodness of heart, I appeal for my justification. Permit me, my Lord, to expect an answer to my Memorial, which may place at rest my fears and many anxieties.

Allow me, my Lord, the honor of expressing my *unaffected* sentiments of profound respect and high consideration.

STEPHEN BURROUGHS.

Three-Rivers, 10th December, 1836.

Three Rivers, February 4th 1837.

STEPHEN WALCOTT, Esq.

I had the honor of addressing a *printed* letter to His Excellency bearing date on the 10th December last, to which I have yet received no answer. I have been since informed that the regulations of your office are such, that a *printed* communication will not receive notice as a matter of right—yet fully believing that my Lord Gosford would be the last man on earth, who would entrench himself behind modes and forms, in order to avoid the calls of justice, I am induced to think that my letter, through some adverse fatality, has missed its destination, therefore I take the liberty to forward to your care, for His Excellency, a copy of said letter.

Should a fatal refusal of justice, even under the administration of Lord Gosford, attend my application, pray be so good as to inform me into the reasons why I should experience so cruel a fate.

Permit me to take advantage of the present occasion to assure you of my esteem and respect, and that I am,

Your most obedient, humble servant,
STEPHEN BURROUGHS

Castle of St. Lewis,
Quebec, 18th February, 1837.

Sir,

I have the honor to acknowledge the receipt of your letter of the 4th inst. covering a printed Memorial to the Governor in Chief, dated the 10th December last, which has been submitted

to His Excellency, who has directed me to express his regret that he has it not in his power to grant you the compensation which you solicit. If, however, you wish to appeal to His Majesty's Government in England, and will, as concisely as may be, set forth the precise nature of the wrongs of which you complain, and of the redress which you require, in a Memorial to His Majesty, and furnish me with three copies on paper of this size, His Excellency will forward the same to England. Three copies are required, as all communications to His Majesty's Government, are directed to be transmitted in duplicate ; and it is necessary that a copy should remain in this office.

I have the honor to be, Sir,

Your obedient Servant,

S. Burroughs, Esq.,
Three Rivers.

STEPHEN WALCOTT,
Civil Secretary.

— — —
Three-Rivers, March 20, 1837.

Stephen Walcott, Esq.

I was duly honored with yours of the date of 18th February. Ill health rendered it impossible to pay attention to its contents sooner. Pray present my most grateful returns to His Excellency for his goodness in making the offer of laying my Memorial at the foot of the throne, and in pointing out the mode in which I ought to do it. Without any pretention to the spirit of prophecy, I can safely say, that the common father of us all will reward him for his goodness.

Whether I have fully met the ideas of my Lord Gosford in my Memorial, I have some

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doubt. I have done the best that my feeble state of health, and consequent mental weakness would permit.

Allow me to say, that my difficulties do not obliterate the lively sense of esteem and respect with which I remain,

Your most obedient humble Servant,

STEPHEN BURROUGHS.

TO THE KING'S MOST EXCELLENT MAJESTY

The Memorial and humble Petition of Stephen Burroughs, of the Borough of Three Rivers, in the Province of Lower Canada, dutifully sheweth :

That by a concatenation of untoward events, your Memorialist has been long deprived of his just rights and unalienable privileges, due to him as a dutiful and obedient subject under Your Majesty's paternal government ; hence he is induced to implore for the privilege of approaching the Throne for that protection which is due from the Sovereign to all his loyal and obedient subjects—and to humbly submit his case to Your Majesty's paternal heart, and to your unbending desire for justice.

Your Memorialist was induced to immigrate into the Province of Lower Canada in the year 1799 ; and to seat himself in the Township of Stanstead in the said Province, on lands then ungranted ; and belonging to the Crown. Your Memorialist was induced so to do in consequence of a Royal invitation, and a promise of twelve hundred acres of land for so doing. That your Memorialist expended three thousand pounds in ameliorating said land, together with the Township in general, and then by the Executive Government, the whole of said property was granted to another, and thereby your Memorialist, in violation of the Royal promise, was deprived of his just rights and claim to said property.

Your Memorialist further sheweth, that in the year 1807, a Magistrate, duly authorized by government as such, and ostensibly acting under such authority, (but secretly in the pay and service of a foreign government) at the head of a large number of foreigners, entered the dwelling house of your Memo-

rialist, by force and violence—plundered from him thirteen thousand two hundred and fifty pounds, together with writings of great worth, all which they carried off, in addition to committing many other outrages upon the family of your Memorialist.

Your Memorialist further sheweth, that in the year 1813, he then was employed by the Governor of this Province to perform certain secret services. Your memorialist was promised for the performance of said services, "a handsome provision." For one year your Memorialist continued to perform the duties attached to this appointment to the utmost extent of his feeble abilities—yet so far from meeting the promised reward, he was imprisoned—abused—arraigned—yet, by the voice of an honest jury, acquitted. Notwithstanding, even the money, which your Memorialist actually expended in executing this service, has never yet been reimbursed, or any compensation made for his services. For a more full understanding of all the causes which produced these distressing events, your Memorialist begs leave to refer to three several printed Memorials, which have been presented to the Governor in Chief of this Province, bearing date 28th December, 1835, 8th June, 1836, and 10th December, 1836, all which accompany this Memorial.

Under all these considerations, your Memorialist humbly prays Your Majesty, to take his case into your paternal consideration, and render to him that justice, which, in your wisdom, may appear to be his due—and as in duty, your Petitioner will ever pray to our common Father in Heaven, for the same favour for Your Majesty.

STEPHEN BURROUGHS.

Three Rivers, 20th March, 1837.

Castle of St. Lewis,
Quebec, 9th September 1837.

Sir,

I am directed by the Governor in Chief to communicate to you the reply which has been made by the Secretary of State to His Excellency's dispatch, enclosing your memorial to His late Majesty, together with a printed statement of your case, which is to the following effect :

"That considering the remote date of the transactions to which you allude, (the earliest being in 1799, and the most recent in 1813,) and the extraordinary nature of the charges which are preferred against some of the principal officers of the Executive Government of the Province, it is especially necessary that the allegations of the memorial be supported by the most conclusive testimony, and by a satisfactory explanation of your protracted inaction.

In the absence of such testimony, and of such explanation, Her Majesty's Government do not feel themselves justified in interfering in the subject.

I have, &c.

(Signed)

S. WALCOTT,
Civil Secretary.

Mr. Stephen Burroughs, Three Rivers.

Three-Rivers, 23d Sept. 1837.

Sir,

I had the honor of receiving your letter of the 9th inst. in which you apprize me that her Majesty's Government has informed His Excellency the Governor in Chief that considering the remote date of the transactions to which I allude in my memorial to his late Majesty, and the extraordinary nature of the charges which are preferred against some of the principal officers of the Executive Government of this Province, it is especially necessary that the allegations of the memorial be supported by the most conclusive testimony, and by a satisfactory explanation of, what is termed, my protracted inaction.

I deem it a matter of duty, as it is of heartfelt satisfaction, to make my most humble acknowledgments to his Excellency the Governor in Chief, and to her Majesty's Government, for the *promise* of Justice which your letter implies upon the reasonable conditions therein stated. My memorial contains, as it is therein alledged, "the truth, and nothing but the truth;" and were I not bowed down by old age, weakened by the infirmities consequent thereon, and the hardly less distressing and incapacitating concomitants of abject poverty, it would be very easy to procure by my own means and my unaided exertions that conclusive testimony required by Her Majesty's Government.

The memorial; as His Excellency is aware; refers to divers documents and records, copies of which I had been under the impression Her Majesty's Government would, of its own motion, have given directions to be forwarded for the purpose of coming to the conclusion, which, as I apprehend, justice demands. Independently of the records to which access can be had, there are, still living, many witnesses scattered over the two Provinces of Upper and Lower Canada, and such of the United States as border thereon, who can bear ample and conclusive testimony, to the truth of the facts stated in my memorial.

I cannot think for a moment that Her Majesty's Government, nor His Excellency the Governor in Chief, would make it an essential requisite to the granting me that justice, which I crave at their hands, that I should be required to do any thing which is impossible. To furnish conclusive

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testimony in support of my memorial is possible and very practicable—To furnish it without I am afforded the means and the necessary funds, is impracticable and altogether impossible.

It is not my fault that old age has overtaken me without having found any of the numerous Governors who have succeeded each other in the administration of this Province for the last thirty years, disposed, with the exception of His Excellency Lord Gosford, to afford me the least possible redress, or the least possible hope of redress, notwithstanding petitions, remonstrances and memorials have been repeated by me until the repetition became as irksome as it was vain and nugatory. It is not my fault that poverty, the consequence of the oppression and injustice of which, for the greater part I have been the victim, in contempt of the law, under the pretext of law, and by the officers of the law,—has laid for many years past, her iron hand on me.

I therefore most respectfully beg of you, to request His Excellency the Governor in Chief, that he would be graciously pleased to cause the sum of £100 currency, to be paid and advanced to me to put me in a situation to procure copies of the various documents and records, and the oral testimony necessary to make out the facts stated in my memorial, and to request His Excellency in case he should not have funds at his disposal so to do, to be pleased to transmit the present request to Her Majesty's Government.

I have the honor to be,

Your most obedient humble servant,
STEPHEN BURROUGHS.

Stephen Walcott, Esq., Civil Secretary, Quebec.

Three Rivers, November 15th, 1837.

Stephen Walcott, Esquire, Civil Secretary.

Sir,

It is with much regret, I attempt to call the attention of His Excellency to the subject of my letter of the date 23d September last, which I had the honor of addressing to him through you, at a moment when I know his mind must be greatly occupied in restoring harmony to our agitated country—yet when His Excellency shall have time for reflection on my case, I flatter myself that I shall, at least stand excused, in his mind, for again calling his attention to my individual case.

I am so entirely satisfied with, not only the *sincere* desire of His Excellency, but with the corresponding desire of the Home Government that an adequate redress should be effected for the inhuman injuries which I have suffered in this Province, that further arguments to reach that object are needless; and only one thing presents itself for attention,—that is to say—the full and ample *proofs* establishing the correct statement now lying before the Colonial Government.

In order to reach this desirable object, three methods have offered themselves to my view, which I beg leave to present, through you, to His Excellency's consideration. The first is, for a full investigation into this business by the order, and under the control, of His Excellency—this would be the most agreeable to me, as being entirely exempt from all suspicion that management on my part, had given a false colouring to any items of the business. Should this method appear to His Excellency ineligible, then the advance of

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the hundred pounds, as requested before, would enable me to pursue this enquiry to a satisfactory result; and to furnish the Colonial Department with such evidence as will satisfy even the most fastidious. Should both of these means fail of meeting the approbation of His Excellency, then I pray that the whole business may be referred to the Government in England, in order that they may devise such measures as their wisdom may direct for the furtherance of the sacred cause of justice.

Pray have the goodness to inform me, as soon as it will comport with your convenience, what resolution His Excellency has formed on my request.

And allow me to say that I am with much respect,

Your most obedient
humble servant,

STEPHEN BURROUGHS.

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As it relates to the long and unaccountable delay which has attended this business, I can only offer the plea of *necessity*. For many years, I in vain solicited, attention to my wrongs from the Executive, with a patience and perseverance beyond that of Job himself, until I was compelled to cease in utter despair, because, in proportion to my exertion in this respect, in the same proportion was the increase of vituperation and persecution against me. Much to the honor and undiluted fame of administration, when Lord Gosford reached this country, it became apparent that the sources of inquiry were laid open alike

to all, that truth might thereby become illicit; and justice rendered with an impartial hand. This state of things presented the first dawn of hope that I might gain even a hearing of my severe and unjust sufferings. Can it be a matter of surprise that I should attempt to take advantage of such a concatenation of favourable events ?

Castle of St. Lewis,
Quebec 23d November, 1887.

Sir,

Having submitted to the Governor in Chief your letters of the 23d September last and 15th instant, I am directed by His Excellency to repeat to you that Her Majesty's Government cannot interfere in the subject matter of your memorial to His late Majesty, while the allegations and charges which you have brought forward remain unsupported and unsubstantiated by proper and conclusive testimony ; and to state that it is not in His Excellency's power to afford you the assistance, either pecuniary or otherwise, mentioned in your last letter. In matter of accusation the conduct of the case necessarily rests with the accusing party, and it of course belongs to him alone to support and corroborate his charges by regular and sufficient evidence, and the authority applied to cannot be expected to take any steps whatever until the whole matter is brought forward in a fit state for investigation and action.

In these circumstances His Excellency must decline acceding to the requests preferred in your

above mentioned letters. He has however directed me to add, that if in the course of your enquiries, you should desire to point out any particular instance of difficulty in procuring information or access to Public Records, it will be open to you to do so, and His Excellency will consider the same.

I have, &c.,

Signed,

STEPHEN WALCOTT,
Civil Secretary.

Mr. Stephen Burroughs,
Three Rivers.

His Excellency the Right Honorable John George, Earl of Durham, Governor General of all Her Majesty's Provinces in North America.

The Memorial and Petition of Stephen Burroughs, humbly sheweth :

That your Petitioner has heretofore addressed to His Excellency, the Earl of Gosford, several Petitions and Communications ; together with the results proceeding therefrom, all of which are herewith forwarded to Your Excellency, in order to communicate a full and distinct view of the present situation of the subject.

That your Petitioner trusting to the high powers, with which our Gracious Sovereign has invested Your Excellency, looks forward with sanguine hope that that justice will now be granted by Your Excellency, which, for such a length of time and under so many pretences, has been hitherto withheld—particularly taking into consideration Your Excellency's solemn declaration "of your full determination to act with the strictest impartiality."

Your Petitioner humbly submits to the justice of Your Excellency, whether your Petitioner is not entitled, in order to effect the pure ends of justice, to an enquiry, under the direc-

tion, and at the expense of the government, as to the facts alleged in his printed Memorial of the date of June 8th, in the year 1836, addressed to His Excellency Lord Gosford; and whether those facts do not clearly prove that your Petitioner has unjustly suffered under colour of Law, contrary to Law, and that by the Ministers of the Law?

Your Petitioner calling to recollection many public actions of Your Excellency, in which energy, consistency and honesty have uniformly marked the splendid career, he cannot but hope, with much confidence, that the time has at last arrived, when an enquiry will be seriously and effectually made respecting wrongs which your Petitioner has endured, and which remain yet unredressed. Your Petitioner cannot but entertain the strongest belief, that when the facts, set forth in his Memorial, shall become established to the satisfaction of Your Excellency, justice, however tardy, will be at last effectually done to your Petitioner.

And your Petitioner, as in duty bound, will ever pray.

STEPHEN BURROUGHS.

Dated at Three Rivers, June 30th, 1838.

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Castle St. Lewis,

Quebec, 1st August, 1838.

Sir,

In acknowledging the receipt of your letter of the 30th ult., relative to your alleged losses and ill treatment many years ago, I am directed by His Excellency to state his regret that he cannot consider himself justified in giving you the aid you require. I have it further in command to refer you to Mr. Secretary Walcott's letters of the 9th Sept. and 23d November 1837, as a reply to your present application, and to acquaint you that until your case shall be accompanied by documentary proof in support of it, His Excellency will not feel himself justified in again troubling Her Majesty's Government in England on the subject of your alleged claims.

I have the honor to be Sir,

Your obedient Servant,

THOS. E. M. TURTON.

Mr. Stephen Burroughs,
Three Rivers.

Three Rivers, Province of Lower Canada,
January 3, 1840.

My Lord,

Although a private and obscure individual, residing at the distance from you of three thousand miles, yet I have presumed to address your lordship, in order to enlist you in the cause of injured innocence—in order to engage you in the support of justice—in order to call for your defence of the majesty of truth, when opposed by an overwhelming force of corruption.

As the whole family of man are responsible for the use which they make of their talents in this world, can there be a more Godlike use made of the great abilities of your Lordship, than by giving relief to the innocent sufferer, who has long

groaned under the bitterest effects of oppression? The more feeble and helpless an individual may be, the more strong are the calls on the powerful to render assistance to such an individual, in order to see that he may be assured of justice.

The claims I have on your Lordship are those of humanity—they arise from that love to justice in your Lordship, so abundantly known through the world. My overweaning desire to find the celestial flower of justice growing somewhere in the garden of man, influences me to apply to your Lordship, with the fond hope, that you may yet point to where it does exist.

I am a man, I am a British subject, faithful to all its duties, and therefore ought to be protected by that government which I have so faithfully served. In the room of receiving that protection, I have been robbed of my property, my liberty and my fair fame, by that very government to whose service I have, for forty years past, devoted all my energies; and am now left, at the age of seventy five, destitute, forlorn and helpless.

I have in vain sought redress, both from the Provincial and Imperial Governments. From the Provincial Government I sought redress by petition, remonstrance and entreaty, for more than thirty years, without being able to draw the least notice to my complaints, not even a reply to my applications. When I carried my complaints to the Colonial Office in Downing Street, I was, for the first time, honoured with a reply to my application. But the answer proved to be a fatal end to all my rational expectations. By the answer, I was required to furnish documents from the various offices in this Province, in support of my complaints, when it was well known, from my own showing, that I had not the means to meet such an expence; and that the want of those means arose entirely from the wrong of which I complained. By this procedure even inquiry was strangled in the birth, by the advantage which government had taken of their own wrongs. I cannot avoid the painful consideration that government have, by baffling excuses, and by perplexing evasions obstructed the course of justice, in violation of that solemn duty, which

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requires them to use every exertion to see that justice is done to all.

No principle is more clearly understood by the British Constitution, and by every other form of government, as well as by the rules of common sense, than that obedience entitles every subject to protection. It is equally clear that no subject could be more abused by a total denial of this protection—this denial of protection has not been a momentary or hasty transaction, but has continued without intermission for the term of forty years—and even now, I am virtually refused any attention to my complaint—yet during the whole period of this suffering humanity, I defy the tongue of malice itself to accuse me of one solitary act of dereliction of duty.

My Lord, allow me still to go further. I solemnly declare that no individual in the province has done more to promote the general good and prosperity of the country than myself; and to further the peace, good order and harmony of the population; and what has been my reward? Oppression holding me in her iron grasp, taunting my misery, and laughing to scorn my attempts to seek justice, or even to obtain an enquiry into the merits of my allegations!!! can such misrule ensure prosperity to any country?

We have it from high authority that “oppression maketh a wise man mad”—yet I have the proud satisfaction to say, that during my severe trials, I have maintained my integrity unsullied, and therefore upon every principle known in civilized society, merit an enquiry, in order to arrest the course of injustice, and restore to me the rights of a British subject.

Now my Lord, suffer me to entreat you in the name of that Almighty being, to whom we are both accountable—in the name of every thing near and dear—in the name of every thing solemn and sacred, at least to read with attention, the documents attending this letter; and then act as you think may best serve the great cause of truth and justice. I am well aware that your superior wisdom and strong love of justice will direct your Lordship infinitely better than any suggestions of mine. May your Lordship, for your goodness in this cause,

when your accounts are adjusted in the Court of Heaven, find carried to your credit, "inasmuch as you have done it to one of the least of these my brethren, you have done it unto me."

Suffer me to say, that I have the honor to be, with sentiments of the highest consideration of respect and esteem,

Your Lordship's most

Obedient Humble Servant,

STEPHEN BURROUGHS.

Right Honorable Henry Lord Brougham.

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